



Entered on Docket
January 08, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com
Fax: 702 258-8787

Relodge

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000

Wells Fargo Bank, N.A.
09-77115

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Rajko Mrkaja

Debtor.

BK-S-09-27957-lbr

Date: 11/17/09
Time: 10:30 a.m.

Chapter 7

ORDER VACATING AUTOMATIC STAY

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
2 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to
3 Secured Creditor Wells Fargo Bank, N.A., its assignees and/or successors in interest, of the subject
4 property, generally described as 6250 W. Arby Ave. Unit 2, Las Vegas, NV 89118, and legally
5 described as follows:
6

7 **Parcel I (Common Elements):**

8 Once (1) allocated interest as tenant-in-common in and to Phase 9 together with those portions
9 of Common Lot(s) located in that Phase of the Final Plat of Trilogy at Warm Springs, a
10 Condominium Community, recorded on December 16, 2003 in Book 114, page 027 of Plats, in
11 the Office of the County Recorder of Clark County, Nevada ("Plat"), and such Phases and
12 Common Lots of the Plat as have been annexed (hereafter referred to as the "Properties"), said
13 allocated interest to be a fraction, the numerator of which shall be once (1), and the denominator
14 which shall be the total number of Units in all Phases of the Properties which shall become
15 subject to the Amended and Restated Declaration of Covenants, Conditions and Restrictions and
16 Reservations of Easements for Tripoly at Warm Springs North recorded on June 3, 2004 as
17 Instrument 0001295 in Book 20040603 in the Official Records of the County Recorder, Clark
18 County, Nevada and all amendments thereto now of record (thereafter collectively referred to as
19 the "Declaration").

20 Excepting therefrom all Units and Garages, Located within the Properties.

21 And further excepting therefrom those portions of the Properties (if any) defined as an "HOA"
22 Unit" in the Declaration.

23 Reserving therefrom the right to possession of all those areas designated as "Limited Common
24 Elements" within the Properties and as defined in the Declaration.

25 Further reserving therefrom for the benefit of the Owners of all Units now or hereafter within
26 the Properties, (except the Unit and Garage referred to in Parcel II, , herein) non-exclusive
casements for ingress, egress and recreational use on, over and across the Common Elements
and /or Common Lots of the Properties, as provided for in and subject to the Declaration.

27 **Parcel II (Living Unit and Garage):**

28 Unit 102 and Unit 102 Garage in Building 3 of Phase 9 as shown on the Final Plat of Trilogy at
29 Warm Springs, a condominium Community, recorded on December 16, 2003 in Book 114, page
30 027 of Plats, in the Office of the County Recorder of Clark County, Nevada and amended by
31 Certificate of Amendment in Book 20040722 of Official Records as Document No. 01901.

32 **Parcel III (Limited Common Elements):**

33 The exclusive right of use, possession, and occupancy of:

34 LCE 3B Yard Component appurtenant to Building 3, as shown on the Plat, said LCE Yard
35 Component to be a Limited Common Element appurtenant to the Unit described in Parcel II

herein, as provided for in and subject to the Declaration; and
 Unit 102 Driveway LCE appurtenant to Building 3 as shown on the Plat, said Driveway LCE to
 be a limited Common Element appurtenant to the Unit described in Parcel 11 herein, as
 provided for in and subject to the Declaration; and
 Together with all those other portions of the Properties designated as those "Limited Common
 Elements" (including, but not limited to patio(s), balcony(ies), porch(es), landing(s)/stair(s),
 chimney(ies)/Oue(s), storage area(s), and parking space(s) as defined in and subject to the
 Declaration), which are appurtenant to Parcel I and Parcel II described above.

Parcel IV (Appurtenant Easements):
 Non-exclusive casements for ingress, egress and recreational use on, over and across those
 portions of the Properties delineated an "HOA Unit" (if any), "Common Elements" and/or
 Common Lots" as defined in and subject to the Declaration; which casements are appurtenant to
 Parcels I, II and III.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall
 give Debtor at least five business days' notice of the time, place and date of sale.**

DATED this ____ day of _____ 2009

Submitted by:

WILDE & ASSOCIATES

By: /s/Gregory L. Wilde, Esq
Gregory L. Wilde, Esq.
 Attorney for Secured Creditor
 208 South Jones Boulevard
 Las Vegas, Nevada 89107

APPROVED / DISAPPROVED

By: _____
 Sam Benevento
 1945 E. Warm Springs Road
 Las Vegas, NV 89119
 Attorney for Debtor(s)

APPROVED / DISAPPROVED

By: _____
 Yvette Weinstein
 6450 Spring Mtn. Rd. #14
 Las Vegas, NV 89146
 Chapter 7 Trustee

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor